

EXHIBIT 2
(Part 1)

Ayyad v. Holder

Civil Action No. 05-cv-02342-WYD-MJW

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 05-cv-02342-WYD-MJW
(as consolidated with Civil Action No. 05-cv-02653-WYD-MJW)

NIDAL A. AYYAD, et al.

Plaintiff,

v.

ERIC H. HOLDER, JR., Attorney General of the United States, et al,
Defendants.

DECLARATION OF NIDAL AYYAD

I, Nidal Ayyad, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. My name is Nidal Ayyad. I am 44 years old and am serving a sentence of 117 years. I will be in prison for the rest of my life.
2. I have been in prison since 1994. I have been in solitary confinement for the past ten years, nine of them at ADX. I have been under SAMs for nearly seven years.

HISTORY

3. I was born in Kuwait. In 1985, after I graduated from high school, I moved to the U.S. to live with my father, who had immigrated here several years earlier. My father had remarried and had two daughters with his second wife – my half sisters, [REDACTED] and [REDACTED].

IMPOSITION OF THE SAMs

110. On March 8, 2005, the ADX Warden, Mr. Hood, imposed on me “Restricted General Correspondence Restrictions,” citing my “past pattern” of “utilizing general correspondence to attempt to correspond with other incarcerated persons.” The restrictions limited my communication to “immediate family members” only, meaning my parents, my siblings and my son.

111. The Warden imposed these communication restrictions on me without providing me with any hearing or explaining any specific violations I committed.

112. On March 18, 2005, I was taken out of G-unit (“general population”) and taken to the Special Security Unit (H-Unit), where I was immediately handed a copy of the SAMs by the Associate Warden. I was not told anything – no reasons why the SAMs were imposed. Nor was I told that I committed any wrongdoing. The SAM itself also did not specify any reason except my “proclivity for violence.” I was not given any opportunity to counter or refute any allegations since I was told nothing. This entire process did not last more than a minute. I was not given any incident reports for any wrongdoing.

113. I was placed in Range A in H-Unit, which consists of two floors. Each floor has six cells. No other inmates were in A-Range except myself, Mahmud Abouhalima and Mohammad Salameh. The three of us were put under SAMs on the same day.

114. Hours after my arrival to H-Unit, I read the entire SAM document and was shocked by the severity of the restrictions. I was to be cut off completely from my relatives and friends who I had communicated with for the past 12 years. Immediately, I decided to go on a strike to protest such unwarranted restrictions. I made this decision on my own, without

93. I have never sent or received a letter from Mohammad Achraf, Binismail, Hoari, or Jera.

94. From reading the redacted version of FBI Agent Shannon's declaration, I understand that the government believes that I was corresponding – or trying to correspond – with Mohammad Achraf via my letters to Addila Mimon. This isn't true. I did send a letter to Mimon and enclosed a letter to Mohammad Salameh, my co-defendant who had been in the same unit at ADX with me and who I had been authorized by the BOP to communicate with before we were all brought to ADX. Shortly before I wrote to Mimon, Mohammad Salameh and I were moved from H-Unit and put into separate units at the ADX. In the letter I wrote to Salameh via Mimon, I specifically mention the date (November 14, 2002) and remind Salameh of the days we spent together in H-Unit. (See Attachment D, FBI translation showing Nov. 14 in that letter.)

95. At one point, Mimon asked me for the address of Sheikh Rahman. I never provided him with this address. I couldn't have even if I'd wanted to as I didn't know what it was.

96. I do not know Mohammad Achraf. I have never met him in my life.

97. On or about February 2004, Ms. Lisa Braren, SIS technician at ADX, informed me verbally that I could not correspond with a prisoner in Spain without prior approval and handed me back an outgoing letter I wrote to Mimon. I complied completely with her order, stopped correspondence from that day forward and never attempted to correspond with any prisoner whatsoever. This applied to Bourgass (the U.K. prisoner) as well.

98. At the time I wrote to them, I did not have any idea that either Mimon or Bourgass were part of a “terrorist cell.” I never wanted to write or be in communication with anyone who is part of a terrorist cell, and I still don’t.

99. I was never issued an incident report regarding my correspondence with Mimon and Bourgass. I never even received a warning. I was just told to stop and I did.

100. The first time I saw any of the FBI’s translations of my letters was after I filed this lawsuit. The translations were given to my lawyers in discovery. I am not allowed to see all of the documents because some have been designated “For Attorneys’ Eyes Only.” From the documents I have been able to see, it looks like the FBI has translated some of the letters incorrectly or incompletely.

101. My first letter to Mimon is written in Arabic. The FBI “summary translation” of that letter is at US004991. The FBI summary leaves out some very important issues, neglecting to translate parts of the letter. For example, in this translation, the FBI does not mention my detailed description of my purpose in writing this correspondence, which was that I needed to meet people, to give advice to one another -- to have something to do in this place. (*See Attachment E – US004991 and my English translation of my original letter*).

102. The translation also doesn’t mention how I got Mimon’s address, which was from Mohammad Salameh. When Mohammad and I were in H-Unit together, he told me that he was writing to several pen pals. I asked him to give me one name of a person to write to – he gave me Addila Mimon’s name. I mentioned this fact in one of my letters to Mimon - “my brother here [Mohammed Salameh] who gave me your address....” (*see Attachment E – my English*

translation of my Dec. 20, 2002 Arabic letter), but the FBI's English summary of this letter (Attachment F – US004992) doesn't mention this.

103. In the FBI summary translation of my letter to Mimon dated December 20, 2002 (Attachment F), the FBI did not translate important content regarding my request to Mimon to write Mohammad *Salameh* through him – not Mohammad *Achraf*. In my letter, I referred to Salameh as the brother “here” with me at ADX. (Attachment E.)

104. In the FBI translation of my letter to Mimon dated February 13, 2003, the FBI assumes things that are not in my original Arabic text. For example, whenever “Mohammad” is written, the FBI takes it as “Mohammad Achraf,” a complete misunderstanding of the Arabic text. I was actually referring to Mohammad Salameh. (See Attachments E & F.)

105. Also, the FBI translated one of the Arabic words I wrote as “recognize.” I intended another meaning: “know.” In the context of the sentence, I’m referring to Achraf, explaining that “he may not know me.”

106. In the letter from Mimon to me dated February 11, 2003, the FBI summary (Attachment F) did not include important content that was left untranslated. This includes Mimon mentioning his response to my previous request to forward my letters to Salameh and he writes that we (Salameh and I) are in “one prison” [the same prison]. (See my English translation of Mimon’s Feb. 11, 2003 letter to me at Attachment G.)

107. Similarly, in my letter to Bourgass dated April 27, 2003 (Attachment H at US014498-99), some terms are taken out of context, such as “virtuous brother” and “contained lessons and reminders.” In pointing out these phrases, the FBI is insinuating that I’m complimenting Bourgass on his crime or for being a terrorist, even though I had no idea why he

is in prison. I was using these terms in reference to the content of his first letter to me (Attachment H at US004436-39 – Arabic text). Bourgass's first letter to me was all Islamic quotations from the Qur'an, the sayings of the Prophet, poetry, etc. In the FBI translation, they squeezed a four-page letter into 2-3 sentences. (See Attachment H, handwritten translation from me at pp. 5-6.) There are many FBI translation omissions that are significant.

108. In this same letter to Bourgass, the FBI also mistranslated an Arabic word that has several meanings. The FBI used "oppressive" (Attachment H at US14498.) The meaning I intended was "wrong-doer, unfair, unjust." The same word is used in the Qur'an many times to mean "wrong-doer." See Qur'an 7:68 and 39:47. The sentence as translated by the FBI is "what has the oppressive government charged you with?" I intended the meaning as "unfair."

109. Also in this same letter to Bourgass, the FBI took something out of context to insinuate I am praying for the destruction of "western nations." The term I used is "praying, asking God to 'destroy the enemy of Faith.'" I did not intend to invoke this prayer on any specific nation or individual. What I am referring to is a general term toward whoever considers the Islamic faith as an enemy and seeks its destruction. I'm praying (supplicating) to God to return the destruction on the transgressor; this "enemy of faith" could be an idea, another Muslim, a person, a group, etc. All of my life as a Muslim, I was taught the Prophet of Islam and Allah in the Qur'an have invoked such prayers on "the enemy." (See in the Holy Qur'an where God (Allah) has mentioned the word "enemy," (6:112; 25:31; 63:4; 60:1, 2, 8.) Also, there are many instances of the Prophet invoking a prayer asking God to "destroy" the "enemy."

IMPOSITION OF THE SAMs

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113. I was placed in Range A in H-Unit, which consists of two floors. Each floor has six cells. No other inmates were in A-Range except myself, Mahmud Abouhalima and Mohammad Salameh. The three of us were put under SAMs on the same day.

114. Hours after my arrival to H-Unit, I read the entire SAM document and was shocked by the severity of the restrictions. I was to be cut off completely from my relatives and friends who I had communicated with for the past 12 years. Immediately, I decided to go on a strike to protest such unwarranted restrictions. I made this decision on my own, without

influence from anyone. I did not consume any meals in H-Unit. I remained on a hunger strike from March 18, 2005 to May 31, 2005. The only reason I stopped the hunger strike is because the ADX medical director told me he would not let me have a visit from my mother and son if I didn't eat. I couldn't let them cancel the visit – it meant too much to all of us. When I finally began eating again, I weighed 154 pounds. (I am 6' 4" tall.)

CONDITIONS UNDER SAMS IN H-UNIT

115. I have been housed in H-Unit since the SAMs were imposed on me in 2005.

116. The H-Unit cells are approximately 8 feet by 10 feet. It takes me 4 steps to cross my cell. The cell contains a cement bed, a cement desk, a cement stool, and a steel sink/toilet.

117. The cell has a window that is about three feet long and five inches wide. The only thing I can see from the window is a rec cage, a brick wall, and – if I crane my neck – a little bit of the sky. There is also a window in my door, through which I can see only the wall and the floor.

118. The cell has a solid metal door with metal strips on the bottom to prevent communication.

119. The light in my cell has three levels (bright, dim and middle); however, there are some light fixtures on the range that remain on 24 hours a day. Some cells are close to these lights, which makes the cell bright and hard to sleep. The lights on the range are about three times bigger than the one in my cell.

120. The cell also has a thin, stainless steel plate, which is supposed to be a mirror but I can't see myself in it clearly. During my deposition in this case, I was allowed to use the staff restroom. I was shocked to see myself in a real mirror. I have not seen what I look like in a real

mirror since September 2001. I was sad and depressed to see how I had changed in appearance in ten years. Being unable to see myself change gradually meant that when I finally did see myself, it was shocking.

121. Unlike the “general population” units I was in prior to the SAM, the air vents in H-Unit cells are very loud, which makes it very difficult to hear any sounds outside the cell. The strong, dry air flow causes me nosebleeds. The loud noise prevents me from sleeping, so I have to use earplugs every night to fall asleep. As a result of the earplugs, I developed a buildup of fluid in my ear, causing me severe discomfort. Through the years at ADX, I’ve complained to health services about the pain. Several ear drops were prescribed to me but none has worked and I still suffer from the fluid buildup in my ears.

122. Verbal communication with other prisoners in H-Unit is nearly impossible. I can’t hear anything clearly from behind my cell door, due to the loud vent noise and the echo of yelling in the unit. Because it’s so loud, it’s impossible to carry on a conversation with any other prisoner from behind the door. Some prisoners are able to “talk” by yelling through their toilets to each other. Putting my face in the toilet in order to try to talk with someone is something I’m not willing to do.

123. Unlike when I was in the ADX “general population” unit, I do not have a shower in my cell in H-Unit. When the unit is locked down, I am unable to shower for several days at a time. According to my religion, I must “shower” (wash my entire body) to perform certain acts of worship. This is especially true on Fridays.

124. Communication with prison staff is strictly limited to brief exchanges about institutional matters. Usually these last less than one minute. I have no “social” encounters with

staff. We don't discuss things like family or personal matters, hobbies, etc. Such subjects are off-limits in any conversation. The longest conversation I ever remember holding with ADX staff is 3-5 minutes (it was when I had stopped eating and I was trying to explain to staff and the psychologist about my issues and depression). An exchange of that length seldom happens.

125. In May 2011, I started keeping a journal detailing who I see and talk to during the day. For the months of May – July, September and October, I recorded my contacts with staff members at the ADX. I logged who I spoke to and what the conversation was about. I used a watch to note the number of seconds each interaction lasted and recorded this information promptly into the log. A true and correct copy of the logs I kept is attached to this Declaration. (Attachment I.)

126. These brief exchanges with staff do nothing to alleviate the isolation. Ten seconds here and five seconds there do not change a thing in my isolation. Staff do not engage in conversation so as to lessen my isolation; they just ask questions that are answered with yes or no, such as, "Do you want rec today?" "Do you need anything?" I learned over time to always say "no" because saying "yes" would not help with anything. There are hundreds of inmates in the ADX; several times, staff told me, "you are not the only prisoner here" and "we have no time for you."

127. Right after the SAMs were imposed and I was put in H-Unit, I was limited to five hours of exercise per week: two hours outside and three hours inside on a bi-weekly rotation basis. Recreation was cancelled many times due to the requirement that any time I am escorted out of my cell, a lieutenant and two officers must be present. Oftentimes they are unavailable, which means cancellation of everything, even showers. Even if rec is not officially canceled,

sometimes a correctional officer will say that he did not hear the prisoner ask for rec, and his rec will then be cancelled.

128. Currently, the recreation time in all phases of the H-Unit program is 10.5 hours per week (each day 1.5 hours, alternating inside/outside.) The outside recreation is in a cage that is about 5 steps wide and 10 steps long. There is a pull-up bar in the cage. There's also a soccer ball in the cage that is useless to me as the ball is usually flat. The rec cage is too small to run or do other activities except walk a few steps in each direction.

129. The rec cages are at the bottom of a cement enclosure with high, solid walls. The walls are so high that I cannot see anything beyond them – no grass or trees or other nature. Sometimes rec is so early in the morning, I can't even see the sun.

130. Sometimes rec is cancelled – occasionally for days at a time. In mid-September, rec was cancelled for two days in a row. When that happens, I feel like my chest is constricted and my thoughts are foggy. When the officer came to tell us we were finally allowed to go out to the cages, I was so relieved. It was amazing and sad to me how I felt – like a dog jumping around his owner to allow him to go out for a walk.

131. The only work opportunity available to inmates in H-Unit is an "orderly" job. Since 2005 when I was put on SAMs, I did not work until April 2011, when I finally got an orderly job. The duties of an orderly are to sweep and mop the range, and to clean the shower. The entire process takes about 30-40 minutes. During this time, the only interaction with the officer is to ask for cleaning supplies.

132. When I was first put under the SAMs, I did not have access to a law library as there wasn't one for H-Unit inmates. Even now, my ability to do legal research is very limited

because there are many sources and cases that I am unable to get on the electronic database at ADX.

133. For the first several years I was under the SAMs, I was not allowed to receive any current news; newspapers were withheld until 30 days had passed and I could not watch the news on TV or listen to the radio. Even now, I have access to about five FM radio stations and no AM radio stations.

134. The only education available to me in H-Unit is the "Adult Continuing Education" courses that are shown through the closed-circuit television. Most classes are 8-12 weeks and are on topics like "Faces of Freedom," "Peloponnesian Wars I & II," and "Animals of the World." Each week, a one-hour lecture or documentary is shown and a 10-question quiz is given related to the class topic. All the answers to the questions are yes/no and could be answered by a first grade student. The classes offer no reading material to expand understanding of the class material, and no opportunity to interact with an instructor or teacher. I don't know what the purpose is of these classes is or what I'm supposed to learn from them. (There is also a GED course, but I have already graduated from high school and college, so this is not of use to me.)

135. Prior to my transfer to the ADX from Lewisburg, I was participating in independent college correspondence courses (Arabic-Islamic studies) with the American Open University in Falls Church, Virginia. In this course, I was having weekly phone calls with course instructors. I had reading material, term papers, exams and took verbal tests over the phone. Audio tapes were provided, too. All of this was facilitated through the education department at Lewisburg.

136. When I arrived at ADX, I assumed I could continue my independent correspondence courses by sending my assignments to the course instructors and professors. The first assignment was stopped by [REDACTED], who at that time was a teacher in the ADX education department. He informed me that I'm not allowed to participate in any Arabic correspondence courses and that if I continue to correspond with the University, I'll be issued an incident report. Also, a piece of correspondence from the University was rejected, too. The rejection notice stated that college courses in Arabic are "prohibited."

137. The Education Department offers English and Spanish magazines to all inmates for checkout. There are no magazines offered in Arabic.

138. On my television, I have access to two Spanish-language channels, Christian religious channels, etc. When I and other prisoners have asked for Arabic-language channels, our requests are rejected. The Islamic tapes that are played on the prison religious channel are mostly in English and the same ones have been played repeatedly since 2002. I have seen them so many times over the years that I've lost interest in watching them.

139. Religious observance in H-Unit is almost nonexistent. I am unable to observe many of the fundamental tenets and practices of Islam, such as the five daily congregational prayers, Friday congregational prayer, two major Islamic holiday prayers annually, Ramadan congregation. I have practiced such tenets since my childhood, including when I was in federal prison at Terre Haute and Lewisburg.

140. For most of the time I have been here, the ADX has not had an imam who is on site at the prison. There is a "contract" imam who visits twice a month. When this contractor makes his rounds, he must be escorted by BOP staff. When I first arrived at ADX, the FBI agent

and the BOP/ADX linguist were present for every conversation I had with the imam. Under such conditions, my talk with the imam did not go beyond exchange of pleasantries.

141. Then and now, religious counseling is done through the solid steel door. Because the imam speaks in a tone heard by staff and others offers, there is no privacy regarding my issues so I avoid discussing any personal religious matters. I cannot talk about personal, religious matters through my cell door while so many staff and inmates could hear my conversation or the imam's response.

142. When I was first put in H-Unit, the "Islamic Chapel Library" had no Arabic books available for SAMs inmates, unlike the "general population" inmates who had a considerable number of Arabic Islamic books for selection. The only books that were allowed for H-Unit inmates were listed on a one-page list of English books, which consisted of a total of about nine or ten books.

143. Even purchasing books from an Islamic bookstore was a very difficult task. No advance approval is given to buy a specific book. I was required to purchase a book and then, once it arrived at ADX, the prison staff mailed the actual book to the FBI for review and/or translation, a process that takes 3-5 months. If the FBI objected to any part of the book's contents, the book was rejected and returned to the publisher or bookstore. Oftentimes, no refund was given. This happened to me a few times, including once in 2005 with a book called "Al-Musbah Al-Muneer," a Qur'anic exegesis. This process continued until the SAM was modified in 2009 to give the BOP the authority to process books and publications.

144. Now that the ADX staff are allowed to review books, I receive them in a matter of days – not 3-5 months as it was with the FBI. If the book's content is in violation of BOP policy (i.e., encouraging violence, posing threats, etc.) then it is rejected and sent back to the publisher.

145. I have had several religious problems with ADX staff over the years, such as not having a Friday sermon in Arabic, not having Halal food, delay of Ramadan meals, lack of new religious/spiritual teaching videos, etc. I have asked the imam for help in resolving those problems, but he has told me that he has no authority here since he is only a contractor and cannot make any decisions.

146. Under the SAMs, my communication with my family is limited to "immediate" family members only. This is interpreted by the government to be only my parents, brothers, sisters and son. Other family members (i.e., nieces, nephews, uncles, aunts, grandparents, half-sisters) are forbidden completely. In my tradition, religion and culture, the "immediate family" encompasses all of these family members as is recognized in the Qur'an. (See 4:23; 24:31; & 61.)

147. When I was at ADX but before the SAMs were imposed, the processing of Arabic mail was done within five business days or less and English mail was processed within 48 hours. After the imposition of the SAMs, from 2005-2008, correspondence in Arabic used to take more than three months to process; now it takes two to three months. English correspondence takes over a month to process.

148. According to the SAMs provisions, if I write my mother a letter in Arabic in June, I'll receive a reply in December. Sixty business days – or three months – delay on all Arabic mail has caused me and my family great pain. There are always family matters and problems I

want to discuss with my family. A three-month delay makes our communication meaningless. My mother is not proficient in writing English, so I rarely get letters from my mother since the SAM was imposed in 2005.

149. Sometimes it takes even longer than three months to receive Arabic correspondence. For example, my mother sent me a greeting card for our holiday postmarked January 9, 2006, which was delivered to me on April 16, 2006. (See Attachment J.)

150. Some letters from me took 6 or 8 months to reach my father. My father mentioned this delay in a letter he wrote to me in March 2007, telling me he had just received two letters from me dated June 2006.

151. Another example is a letter from my father in Arabic, dated March 26, 2006, in which he tells me of his cancer diagnosis. He was saying goodbye, not knowing his prognosis. In that letter, he wrote "to whom it may concern" asking the FBI/BOP to inform me about my father's sickness (cancer and brain tumor), pleading before his death (he wrote that in English). The FBI and the BOP completely ignored my father's pleadings and gave me the letter – which was a single page – on May 26, 2006.

152. These long delays for letters containing family issues discourage both my family and me from writing to each other.

153. I used to send my family my pictures without including any letters or writings, and my family used to do the same. Those pictures are now processed as "written correspondence," and take about a month to be released to me or mailed out from the prison.

154. Since being put on SAMs, the BOP and the FBI have rejected many items of my incoming mail. Here are some examples (Attachment K):

- Rejection of an exegesis book, "Al-Musbah Al-Muneer" (July 2005) (see US005574). The ADX library has the longer version of this book, so I do not know why I wasn't allowed to have it.
- Rejection of a letter to my son because the FBI said the address was "not acceptable" (see US012823).
- Rejection of a book from the ICPC Bookstore (January 2009) because the Government couldn't determine who purchased it (see US012914), even though my mother sent the invoice to them later showing that she was the one who bought the book for me.
- Rejection of *Scientific American Bookclub* (bill or catalog) (Feb. 9, 2009) because they are not my "immediate family." (See US012891.)
- Rejection of *Scientific American* "Notice for Offer or bill" (Feb. 2009) because "not immediate family." (See US012891.)
- Rejection of a Scientific American Book Club (bill or catalog) (June 2009) because "not immediate family member." (See US012640.)

155. During the years 2005-2007, I was allowed only one 15-minute phone call each month. The time and date of the call were decided by the FBI agents and it had to occur between 8 a.m. and 2:45 p.m., disregarding the availability of my family members, who were typically at work or in school during those hours. Prior to the SAM, I could call my family and pick a day and time when I knew I could find them at home, since I could call Monday-Friday, 8:00 a.m. to 9:30 p.m.

156. Because of these limitations, I could not call my son for over two years (2005, 2006 and part of 2007).

157. Now, phone calls are still done according to FBI translator availability, so there are no calls after 3:15 p.m. Phone calls can only occur Monday-Friday, when most of my family members are at work or school.

158. If I'm talking to an approved family member and a relative happens to be at home (nieces, nephews, uncles, etc.), I cannot say hello or offer a brief greeting, even though the FBI translator would know exactly what I am saying.

159. Unlike the visits at Lewisburg and Terre Haute, the ADX visits are non-contact, meaning they take place behind thick glass and my visitor and I speak to each other over a telephone handset. This is devastating to my family and me – especially after spending 8 ½ years in a regular, high security prison having visits where we could hug and hold hands and I could hold my son. It is especially painful to have all of that taken away, even though no one in my family (including me) violated any visiting rules and regulations.

160. My father, who is suffering from two kinds of cancer, is emotionally unable to come for a visit, knowing he will not be able to touch me. None of my sisters has visited me since my transfer to ADX, unlike my days in Lewisburg, when I received regular visits from all of my family members. Under the SAMs, my half-sisters are prohibited from visiting me (as well as writing and phone calls).

161. Being under the SAMs multiplies the hardships of the visits at the ADX. Prior to 2007, as a SAM inmate, I was fully shackled (handcuffs, black box, belly chain, ankle shackles) for the entire duration of the visit (6 hours).

162. These visits were an emotional and physical torture for me. My mother and son had never seen me during any visits, whether at ADX or before, in shackles. It was a shock for them to see me like that. My mother cried and wanted to leave the visit so I could be free from the shackles. My son, who was 12-13 years old at the time, pleaded with ADX staff to remove the restraints since I'm in a secured booth with no ability to have physical contact with anyone.

He pleaded with them when he saw me unable to eat my lunch (I had trouble reaching my mouth because of the black box/belly chain). This practice discouraged my family from future visits. It was humiliating for me.

163. The visiting booths at ADX are very small – about three feet wide. Even now that my arms are no longer shackled to a belly chain at visits, I can't stretch my arms because the booth is so narrow. Every time I enter this booth, my mother and son put their hands on the partition as if they want to touch me through the glass.

164. During phone calls and social visits, the FBI has forbidden me from speaking about current affairs, even though there is no provision in the SAMs limiting what I can talk about with my family. During my visit with my mother and son in 2009, I asked mother about whether my cousin and her children survived the war in Gaza in early 2009, and how sorry I was for the loss of innocent lives. Immediately, the ADX staff ordered me and my family to stop talking “politics about Gaza.” I tried to reason with them that we are talking about family. The ADX staff said that the FBI said, “Stop talking!”

165. The FBI is creating new restrictions on my conversations with family, even though the conversation has nothing to do with national security; I only wanted to make sure that my family members had survived the war. Also, during our conversation, neither I nor my mother took sides of the war adversaries (Israel and Palestine).

166. Another issue is that with the SAMs, only one prisoner can be in the entire visiting room at the same time, despite that there are more than 12 separate and secure visiting booths. These conditions make scheduling a visit very difficult and force my family to try to

reserve a day months in advance. During certain times, the visiting room is reserved for weeks or months consecutively for a visit with one prisoner while the remaining booths sit empty.

167. Also, the visits can only take place on Mondays, Tuesdays and Wednesdays, excluding holidays if they fall on these days. The members of my family who live in the U.S. would love to make use of holidays to visit me but they can't because they're prohibited from visiting on those days. These conditions aren't applicable to non-SAMs inmates at ADX, who can have family or legal visits Thursdays – Sundays and on holidays.

168. All of these conditions make it difficult for my family to visit me, and because of this, reduce the frequency of my visits. If I'm lucky, I see my mother and son once a year.

169. Since 2005, in every administrative remedy I file about the SAM, I request to be allowed to communicate with relatives and friends as I had prior to the SAMs. All have been denied, except for one request to correspond with another lawyer – Dan Manville.

170. Starting in 2008, I began submitting requests to the ADX Legal Department and the unit team to approve some “non-immediate” family members, including my sick grandmother, for correspondence, phone calls and visits. All of my requests were denied verbally. Nothing in writing was ever given to me. No verbal reason was ever given to me for the denial – just “the FBI denied you.”

171. My grandmother is 80 years old and in 2008, her health began deteriorating rapidly. I wanted to see her in 2008 and made several requests for her to be allowed to visit. Agent Shannon said I could “correspond” with my grandma. This didn't help me because the only means of communication I could have with her is by phone or visit. She can't read or write.

172. In May 2011, my mother informed me that my grandma is unable to walk on her own and that her eyesight is almost gone.

173. On June 15, 2011, the ADX attorney (Mr. Brieschke) verbally informed me that my grandmother had finally been approved to visit me – almost three years after my initial request. Because the health of both my grandmother and my mother has declined over the past three years, it is now almost impossible for my mother (who herself has had two knees replaced) to handle my grandma in the trip between New Jersey and Colorado.

174. With the exception of my niece who was approved in December 2011, none of the other relatives and friends I have asked to communicate with have been approved. These include my half-sisters and my uncles.

175. Currently, I'm not allowed to communicate with the Jordanian embassy. I and all of my immediate family members who live in the U.S. are holders of dual citizenship: Jordanian and American. I have never given up my Jordanian citizenship. Prior to mid-2008, the FBI allowed me communication with the Jordanian embassy. Then, all of a sudden, the FBI decided to stop that communication. The only reason – given to me by ADX staff – is that it is the FBI's position that I'm not a Jordanian citizen.

176. I have given ADX staff a copy of my Jordanian passport that my family was able to find (this was challenging since I've been in prison for 18 years so it is difficult to find documentation related to me). (Attachment L.) But even the copy of the passport was not enough proof for the ADX or the FBI.

177. Since the SAM was put on me in 2005, I have not been allowed to communicate with any lawyers unless they first sign the SAMs affirmation. When I was *pro se* in this action,

this prevented me from writing to lawyers to ask them to help me in the litigation because they had not signed the SAM affirmation. I was very fortunate that the judge granted my motion to appoint counsel and my present lawyers thankfully contacted me first and asked my permission to represent me.

178. Under the SAM, all communication with the media is forbidden, regardless of the nature of that communication. This means I am not allowed to let the media know about my prison conditions or restrictions – all of that is forbidden.

179. The only people who I am allowed to talk to outside the prison (my immediate family and my lawyers) are prohibited by the SAMs from telling other people – including the media – about my conditions and situation.

180. Whenever I'm taken from my cell, I'm fully shackled – wrists, leg irons, etc. There are also frequent strip searches, which conflict with my religion. The only way alternative to the strip searches is to be x-rayed. Because of my religious beliefs, I will pick the x-ray though I worry about the amount of radiation I am exposed to.

181. A couple of months ago, a new prisoner was brought into H-Unit. He had been in the prison at Guantanamo before he came here and he told me about the conditions. Even the "supermax" section where he was held had 4 hours of recreation every day. Every other day, he had access to a rec room with a DVD player with a wide selection of movies in Arabic and other languages. Guantanamo's general population had access to Al Jazeera (Arabic) news channel. They had congregational prayer. I compared it with our conditions here at ADX – Guantanamo sounded better in almost every way. When I learned about these conditions, I wished I could be there as it seemed much better than the conditions I'm in at ADX.

H-UNIT PROGRAMS/SAMs

182. In late 2006, I was told by ADX staff that there would be a “step-down program” implemented in H-Unit. I was not told what to do to be accepted in it. Almost two years later (May 2008), I was accepted into Phase II of the “H-Unit Phase Program” (everyone in H-Unit starts in Phase I). I don’t know why I was accepted into Phase II; I was never told nor did I receive any explanation in writing.

183. In an attempt to understand the purpose of the H-Unit Program, I have requested from the ADX law library a copy of the Institution Supplement pertaining to the H-Unit programs and operations. I made this request several times over the years. Each time, I have been told that the applicable policy is “Limited Official Use Only” and will not be distributed to inmates. (See Attachment M.)

184. The only difference I can see between Phase I and Phase II of the H-Unit Program is one extra 15-minute phone call per month and 7 unescorted showers per week. (Phase I inmates get three escorted showers per week.) However, there are four cells in H-Unit that have showers inside the cells; these four cells hold Phase I inmates who can therefore have an unlimited number of showers – even more than those in Phase II and Phase III.

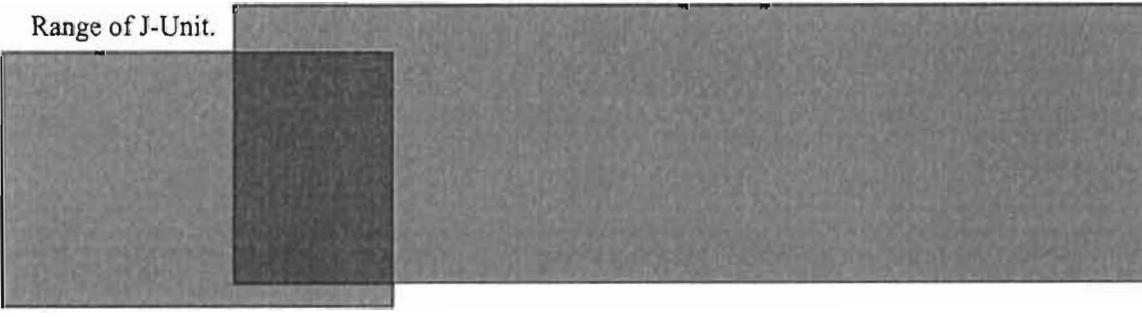
185. With respect to commissary, all phases (I, II & III) have access to the same list with a slight difference in the quantity allowed to be purchased (i.e., in Phase I, I could buy 6 bags of potato chips and in Phase II, I could buy 8 bags). Such “privileges” are rarely used. The only other difference is that Phase III prisoners are allowed to buy a comb. Recreation time is the same for Phase I and Phase II.

186. Once I was put in Phase II, I was not told how long I must remain there in order to advance to Phase III. I spent 27 months in Phase II, then was accepted into Phase III. I did not know what I had done different from what I had been doing to be accepted into Phase III. I spent over two years in Phase II, and during this time, I kept asking, "what do I need to do to move to Phase III?" No answers were given. The only information I received was that outside agencies are involved in the process (i.e., the FBI and DOJ) and that the BOP can't move me without the approval of those agencies and approval from the AUSA who was involved in imposing the SAMs.

187. To date, I have been in Phase III of the program for 14 months. In Phase III, I am allowed on the range for 1.5 hours with two other prisoners. By the time I exercise,¹ shower and eat, the time is up.

188. On November 3, 2011, all Phase III prisoners (including myself) were moved to J-Unit, a separate structure in the ADX. There is no contact whatsoever between the H-Unit inmates and the J-Unit inmates, even though all of us are SAMs inmates.

189. I am still in Phase III of the H-Unit Program, but now I'm physically housed in B-Range of J-Unit.



¹ I saw in the government's motion that they say that an exercise bicycle was put on the range at my request. I did not ask for this bicycle and I don't use it.

190. The recreation time, cell size, and cell set-up are exactly the same as when I was in Phase III in H-Unit. However, this range has a very loud exhaust fan, which makes it impossible to talk to anyone from inside the cell, even when I yell.

191. The outside rec cages are about 10 steps x 10 steps. Outside rec is still done one man to a cage.

192. H-Unit had six cages in the outside rec area. Prisoners in Phases I, II or III could sometimes be out at the same time, though ADX staff sometimes will take prisoners out together with known conflicts, knowing they will not have even the limited interaction that can occur through the bars of the cages. In J-Unit, only one group (three inmates) can go out. In the two months I have been in J-Unit, there have been several times when the other two inmates in my group have cancelled their rec. On those days, I am outside alone with no opportunity to interact with anyone.

193. Even if another Muslim and I are put in adjacent cages, we are not allowed to pray together.

194. In J-Unit, I feel the isolation even more than I did in H-Unit. I did not think this was possible, but there are even fewer staff encounters here than in H-Unit. During the month of December, almost a week passed by without anyone speaking to me. Recently, I began keeping a journal again detailing who I see and talk to during the day. For the past three weeks, I recorded my contacts with staff members at the ADX. As before, I logged who I spoke to and what the conversation was about. I used a watch to note the number of seconds each interaction lasted and recorded this information promptly into the log. A true and correct copy of the log I kept is attached to this Declaration. (Attachment N.)

195. Since the implementation of the H-Unit Program in May 2008 through today, I have had no idea or understanding at all of the ultimate purpose of this program. As far as I can tell, the program only consists of obtaining a few limited additional privileges (an extra phone call, being allowed to walk to the shower, and – in Phase III – 1.5 hours of in-range recreation with two other prisoners, five days per week).

196. I did not know when I was under consideration for Phase II or Phase III of the H-Unit Program, and was never asked to provide any “input” to increase my chances of being accepted.

197. I have asked several members of the ADX executive staff, “what comes after Phase III and how long must I remain in Phase III?” No specific answer is given. I’m told that if the AUSA, FBI, Office of Enforcement Operations (OEO) and DOJ decide to remove my SAM, then I could be transferred out of the H-Unit Program. Everything related to what happens after Phase III of the H-Unit program is unclear and unknown to me. I don’t know whether my participation in the H-Unit Program will allow me to mitigate any reasons being used against me to keep the SAMs.

198. Further, I have been told by Warden Davis and the unit manager that as long as I’m under the SAM, I will not ever be allowed to participate in the regular ADX Step-Down Program. The only program I have is the H-Unit “Phase Program.” This program means nothing to me if the restrictions continue as they are, with no light at the end of the tunnel. I have no idea why or how I progress, and even when I do progress, the changes are minor and do not address my most significant hardships: the ability to communicate with my family and other loved ones.

199. The six-month "Program Review" is a process that adds to my confusion. Every federal prisoner has a program review every six months; I used to get them when I was at Lewisburg and Terre Haute, too. The only staff person I talk to during the Program Reviews at ADX is [REDACTED], a case manager, who has no knowledge about the SAMs imposition or renewal or the H-Unit Phase Program.

200. During my six-month program reviews, I am not told whether I was or am being considered for progression to any of the other phases.

201. The six-month program reviews take place at the cell door. On average, they last less than a minute. The "program review report" is already filled out prior to the meeting with an "x" next to my name for my signature. If I'm not in the cell because I'm at rec, the report is pushed under my cell door for me to sign.

202. There is no meaningful discussion at the six-month review "meeting" because the case manager has no idea how I can mitigate the reason for the SAM, or how the restrictions could be modified, or any knowledge about Phase III. (See Attachment O - Program Review Report for 3/22/11 with post-it notes from case manager where the case manager noted my questions about the SAM and Phase III.) She could not provide any answers, except to say that "the unit manager knows more." But even the unit manager could not tell me how to mitigate the SAM and what happens after Phase III.

203. Recently, in March 2011 and October 2011, I tried again to ask my case manager, [REDACTED], about Phase III: *What comes after it? How does it relate to the program reviews? How can I mitigate the SAMs?* She said she could not answer my questions because she didn't know about the H-Unit Program. Even when I was in Phase II, she could not tell me how and

when I'm considered for progression to the next phase of the H-Unit Program and what I should do to increase my chance to progress to the next phase.

204. I have no understanding of the BOP's "progress reports" and their purpose. Throughout my incarceration over the past 18 years, no staff member has ever asked me for my input in preparation of the progress report.

205. Since my transfer to the ADX in 2002, I do not remember ever receiving any copies of progress reports and did not know that any were prepared. Through the discovery process in this civil action, I became aware that there were several progress reports generated about me since my arrival to the ADX – apparently they are created every three years. I don't know what they're used for.

206. I have had clear conduct for the entire time I've been in ADX. I haven't had any incident reports since 1998 – over thirteen years. Even with all of the restrictions imposed on me, I have been respectful and not violated any rules or regulations.

SAMs RENEWALS

207. Since the Government put the SAMs on me in March 2005, they have renewed my SAMs every year. I have been under the SAMs for nearly 7 years.

208. The first several times that the Government renewed my SAMs, I was not given the opportunity to provide any input or information to explain why I thought the SAMs should not be renewed.

209. In 2008, the Government began giving me an "input sheet" to fill out in advance of the renewal of my SAMs.

210. The "input sheet" is a one-page sheet asking me to "provide any comments and/or recommendations concerning your SAMs possible renewal." The form is usually given to me about 90 days before the expiration of my current SAMs, though I just was given the form for the 2012 renewal on October 4, 2011 – five months before my current SAMs are set to expire. The "input sheet" has no mention whatsoever of any alleged SAMs "violations" committed by me, nor does it mention what, if any, reasons will be used against me to support possible renewal. As a result, I am being asked to fill out this "input sheet" with "comments or recommendations" without knowing what is going to be used against me. This process makes it impossible to provide input without knowing the reasons and/or concerns that the Government may have about me. (See Attachment P – Input Sheet for 2012 SAMs Renewal.)

211. Although I have asked many times about what would lead to the removal of the SAMs, no one has ever told me of any steps I could take or things I should do or not do.

212. No one has ever told me how I could mitigate the reasons for the SAMs.

213. Since the annual renewals of my SAMs began in 2006, I have never been given a hearing about the renewal. I have made consistent requests through administrative remedies and verbal requests to ADX staff to give me a hearing so that I can refute whatever they allege about me, but no hearing has been provided.

214. On January 6, 2011, for the first time since the imposition of the SAMs in 2005, the ADX administration conducted an "interview" or "meeting" with the FBI case agent, the H-Unit manager, and myself regarding the SAMs renewal. I was not given any notice of this meeting before it happened. When I was summoned for the meeting, I didn't know anything about it – what it was for, who would be there, etc.

215. At the time of the “meeting,” the first thing I was told by the Unit Manager was that “this is not a hearing.” I was then asked whether I had anything to add to the “input sheet” I had submitted in December 2010. I repeated my position on the input sheet, and asked whether anyone (the FBI agent and/or ADX staff) could tell me what reasons – if any – would be used against me to support the SAMs renewal. I was given no answers. I asked to present witnesses to counter some of the allegations about me that I’ve learned through receiving discovery in this case. I was told again that this is not a hearing and that I could not present any witnesses.

216. At the start of the meeting, I also asked the unit manager to allow my attorney to be present during the meeting, especially because there was an FBI agent present. My request was rejected.

217. Not knowing what the Government’s concerns are, I just told them that I need to know specific reasons against me in order to defend myself. I also stated briefly my history at Lewisburg and Terre Haute and that I’m complying with the rules about communication and I would never do anything that poses a risk to anyone whatsoever.

218. I also explained that while at ADX during 2003, 2004 and part of 2005, I was allowed to participate in group recreation with 11 other prisoners. I functioned well with those prisoners and did not have any incidents. I also told those at the meeting that my conduct with staff has always been respectful, which is why my unit team entrusted me to work as an orderly when I was in the ADX “general population” unit.

219. I have been told that after the meeting, a memo is written that summarizes what happened. I haven’t ever been given a copy of this memo by ADX staff.

220. Following this meeting, on March 22, 2011, I was given a document telling me that my SAMs were renewed for another year.

221. As I do every time the SAMs are renewed, I filed an administrative remedy about the 2011 renewal. When I write the administrative remedy form, though, I have no way to address whatever concerns motivated the SAMs renewal because I don't know what they are.

222. During 2009, several prisoners had their SAMs removed. These prisoners had not been accepted into Phase II of the H-Unit Program at the time the SAM was removed. These inmates are [REDACTED] and [REDACTED]. I asked the warden and others to give me guidance about what these prisoners did to enable them to have their SAMs removed so that I could behave in whatever way was necessary to have my SAMs removed, too. Again, I received no answer. They just told me to "keep doing what you're doing."

223. [REDACTED]

224. [REDACTED]

225. I use these two examples to show that I am looking for a guide that would lead to the SAMs removal. When I look at these two prisoners, I have tried but can't find a tangible, positive thing they did that I could do that might also result in the removal of my SAMs.

ALLEGED "SAMS VIOLATIONS"

226. I have never been confronted or informed of any alleged "violation" of the SAMs. I became aware of such alleged "violations" only through the discovery process in this civil action, with the exception of the 2011 SAMs renewal notice.

227. These alleged SAMs "violations" are mostly incoming mail that I have no control over whatsoever. Mostly, these are subscription renewal notices, special offers from magazines, catalogues, and a letter from my half-sister who was originally allowed to write to me and then was suddenly prohibited. Another "violation" was a letter I wrote to my son to an address that the FBI said was "not acceptable," even though I was allowed to write to my son at an earlier time.

228. A book purchased by my mother was rejected and also considered a "violation" of the SAMs because the bookstore did not include an invoice indicating the name of the buyer. Later, my mother asked the bookstore to mail a copy of the invoice to the ADX to prove that she was the buyer, which they did. But this was still considered by the Government to be a "violation" of my SAMs. There is nothing in my SAMs that provides any guidance on how to purchase books, and there is nothing that says who can or can't buy a book for me. It is important to me to be able to receive books in Arabic because the few Arabic-language books in the ADX leisure library have been the same for ten years.

229. Another incident listed as a “violation” of my SAMs involved a visit with my son, who was 15 years old at the time, and my mother. Right before the visit began, the ADX staff informed me that we must speak to each other in English, despite the fact that my mother had arranged this visit with the BOP two months in advance and had notified them of our need to speak in Arabic during the visit (apparently, the FBI translator had become unavailable right before the visit). My son, who didn’t fully understand the SAMs restrictions, was speaking in English; however, a few times an Arabic word would slip out unintentionally and this was considered to be a “violation” of my SAMs. All of my visits are recorded so anyone at a later time could listen to what my son said and determine whether it actually violated the SAMs or not. Also, the only way I learned of this “violation” was through discovery provided to me in this case. And the FBI labeled my son in their reports as “an uncooperative teenage son” who was 15 years old to justify renewing my SAMs.

230. Another incident described as a “violation” of my SAMs is a four-page religious document I attempted to send to my mother but decided later not to send because I wanted to keep it in my possession as a future reference. The allegation was that I was attempting to “pass messages” written by other inmates. This is false.

231. This four-page document, titled “Ten Lessons From Fasting Ramadan,” was given to me by the BOP-hired imam at the ADX, [REDACTED]. Imam [REDACTED] also gave this document to other prisoners in the unit. To prove this, after I became aware of this allegation through the discovery process in this case, I asked Mr. [REDACTED], the SIS Linguistic Specialist at the ADX working in H-Unit, whether he ([REDACTED]) could confirm with Imam [REDACTED] (who was not at ADX anymore) that these four pages were in fact passed by Imam [REDACTED] to me and other prisoners

during or after Ramadan. Mr. [REDACTED] informed me that he emailed the four pages to Imam [REDACTED] and that Imam [REDACTED] recognized and remembered these four pages and confirmed that he gave them to me and other Muslim prisoners at ADX.

232. On June 16, 2011, I asked Mr. [REDACTED] to read the language of ¶ 231 above and to confirm whether it is an accurate description of what transpired between him and Imam Said pertaining to the four-page document. Mr. [REDACTED] affirmed the description is accurate.

233. I don't know who authored the four-page document. I only knew that Imam Said passed it out during his weekly visit to H-Unit. I tried to get the four pages copied, but staff refuse to make copies of any documents other than legal documents.

234. The 2011 SAM renewal cited alleged "violations" of my SAM – specifically that I "unsuccessfully attempted" to have three books sent to me. One of these was a mathematics book, which I ordered to help me give advice to my son in his schoolwork. The FBI objected to a chapter of this book that was torn out and the rest of the book was given to me by prison staff. The other two books (physics and climate change) I did not order and did not know their contents – they were sent by default because I failed to make my annual book selection to the Scientific American Book Club. The book club made the selection and sent the books. Further, the book titles are "relatively innocuous" as the SAM renewal states.

235. I'm not told of "violations" of the SAMs at the time they occur, to allow me an opportunity to explain any misunderstanding or defend myself. The only reason I learned about the above-described "violations" is through discovery produced during this lawsuit.

EFFECT OF THE SAMs/ADX ISOLATION

236. Since my placement in ADX, I have noticed that over time I'm losing my memory. My logical thinking has also been affected, and I can't concentrate very well anymore – even on reading or movies. I have also lost the ability to connect with new people because I don't have occasion to talk to people very much.

237. Nevertheless, I find that I look forward to any possible opportunity to interact with non-prison people. A couple of weeks ago, a correctional officer asked me if I wanted a haircut. I said yes, as it is the only encounter I have with regular civilian people. The barber is contracted by the BOP to cut hair; she is not a government employee. Even exchanging greetings with her is different as I don't feel she is constantly looking to find something to say I am doing wrong.

238. Two months after the Government imposed the SAM on me, I was diagnosed with depression by a BOP psychiatrist (via teleconference). An antidepressant was prescribed to help me deal with my symptoms: hopelessness, sleep disturbances, loss of desire to eat. Over the years, I have been prescribed a variety of medications and different dosages to try to help me. I still take such medication currently. It doesn't feel like it's helping.

239. Because I've been on anti-depressants since 2005, I'm fearful that I've become dependent on pills and afraid that I can't stop taking them. I look at myself as weak, dependent on medication. Prior to 2005, I never used antidepressants or had any treatment for depression by a psychiatrist. I ask myself how did I come to this point? Sometimes I cry when I think about this.

240. Some days are especially bad – I call them “black cloud days.” They come every couple of weeks. On those days, it feels like there is a cloud over my head, blocking my thoughts, my imagination, my vision. I can’t do anything. Sometimes during these periods, I wake up and understand that it is a new day. While opening my eyes, I hope to see a new thing in my cell. Nothing is new. The walls are the same and I am still in a small box. The idea that I’m going to spend another day in this box – I try to fight this idea so I don’t feel tired early in the day, so I don’t lose my appetite.

241. Sometimes the cloud reaches a size that is so big that it paralyzes my thoughts and body. My heart starts to race and I feel like I can’t breathe very well.

242. As a Muslim, I spent years memorizing the holy Qur’an and I was ultimately able to master it. Now, I find myself struggling to recall verses I thought I would never forget. I’m noticing that what I memorized is slipping away from my memory. I’m only 44 years old – to have memory loss like this so early is very frightening and painful. I find myself talking to myself: *What’s happening to me? Am I falling apart? Am I losing my mind? And intellect?* I also find myself pacing in my cell feeling loneliness and distress.

243. Compared to when I was at Lewisburg and Terre Haute, I am very different. At Lewisburg, I was mentally active, taking correspondence courses, reading materials, doing research, taking exams, helping fellow prisoners study for the GED and reading many books. Now everything is falling apart. I’m losing my memory, am unable to concentrate and am taking antidepressants.

244. After the SAM was modified, I ordered a few magazines and newspapers I like (*Men’s Health, Scientific American, Al Quds*). The magazines and newspapers accumulate in my

cell without being read because I can't concentrate as I used to and I end up throwing them away. I decided not to renew most of these since I can't read them anyway.

245. I have the same problem when I try to read a book. I lose concentration quickly and spend a long time trying to comprehend what I'm reading. This never used to happen to me before. When I was enrolled in college correspondence courses at Lewisburg, I used to read textbooks, obtain research books for extra credit, etc. I did a lot of reading for my courses that required a lot of concentration.

246. When I started in Phase III and was allowed to eat one meal each day with two other people, I noticed that I did not feel comfortable eating in front of others anymore. I would bag my food and eat it by myself in my cell. I kept doing this for months. Only recently I began to eat my food at the table with some discomfort. One inmate who is with me in Phase III still doesn't eat his meal with me at the table – rather, he eats it in his cell. When I was at Lewisburg, I ate in the cafeteria with hundreds of prisoners.

247. The prisoners around me in H-Unit – each one lives in his own bubble or reality. Some of them have been under SAMs for ten years. I hear things from other prisoners that add to my depression. Five years ago, if someone told me some of the things I hear in H-Unit, I would have thought they were crazy and wouldn't have listened to them. Now I'm listening. Some prisoners tell me to shut off my cell light and never use it because it emits harmful radiation and the TV screen emits the same. These prisoners live in dark cells day and night. Now I wonder if what they say is true. Some say that hot water is poisonous and harmful. Some believe the SAMs will be on us until we die. That's why I try not to listen – I don't want to make my depression worse.

248. Interaction with staff is limited to brief exchanges about daily needs, like toilet paper, hygiene items, etc. No social or personal issues are discussed with the correctional officers. Some dealings with some staff make my depression worse because they show hostility and hatred toward me. In 2009, one of the officers who was escorting me to rec swore at me and threatened to hurt me, forcing me to walk faster than the leg shackles would allow. I filed a grievance about this but SIS never informed me of the outcome.

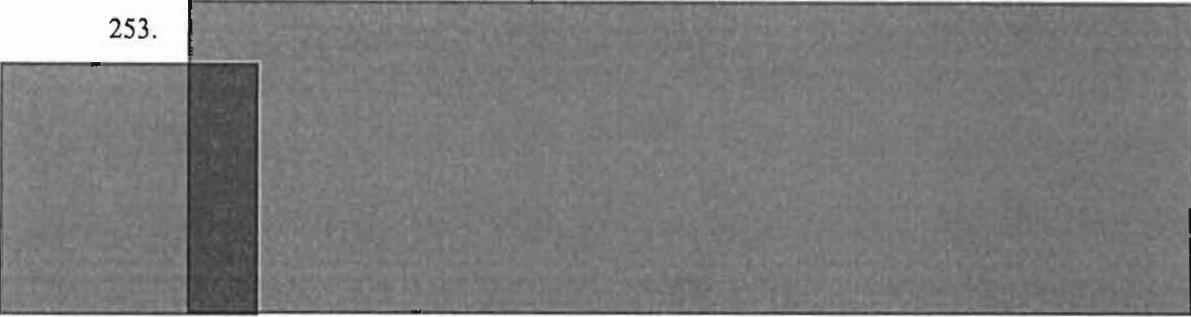
249. I have many days where I struggle to figure out what to do and how to keep myself occupied. A lot of times, I end up walking back and forth in the cell for hours. It is four steps across my cell.

250. Some days, I try to come up with a daily “to do” list – some routine to organize my day, such as reading, working out in my cell, trying to memorize the Qur'an. This routine falls apart before it starts. In this cell, everything is congested and choked – my thoughts, hopes, enthusiasm. Only one activity seems usual: laying on my mattress and looking at the ceiling, trying to travel through time with my mind back before my imprisonment.

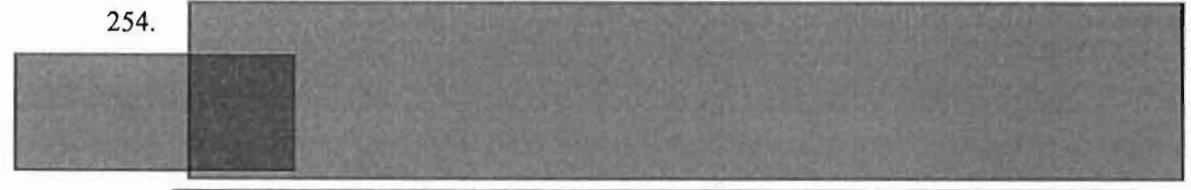
251. The weekends here are very long days; movement in the unit is almost nonexistent. Sometimes the unit feels like a graveyard. There is no sound and everyone is in his grave (cell).

252. I have engaged in two hunger strikes while in H-Unit. Both of them were my own decisions and had nothing to do with other people. No one I corresponded with encouraged me to strike. I did not strike because other prisoners were doing it. I felt like I'm an animal – just eating and sleeping. I decided to stop eating to object to my treatment.

253.



254.



255.



256. The SAMs further exacerbated the damage to my family relations by preventing me from communicating with family members (i.e., nieces, nephews, uncles, aunts and old friends) – not even to say “hello” to any of them over the phone if they happened to be visiting my mother.

257. Because of the excessive delay of the mail, my letters to and from my family have dwindled almost to nothing. My father, who has cancer, tries to write to me in English in hope that I’ll receive his letters sooner but his English is so broken that it’s difficult for me to read and understand what he has written. I read his letters over and over – sometimes out loud, as he writes phonetically – trying to decipher his medical condition.

258. The SAMs restrictions and the isolation at ADX have caused a breakdown of my family and social ties. I feel worthless without any connections to anyone outside of prison. I spend months and months without receiving a letter from a loved one.

259. Having been in isolation for ten years (and even greater isolation after the SAM was imposed in 2005), I feel like I have lost my ability to engage with my family in a constructive way over the phone or during visits or in letters. I feel out of touch with what's happening with my family. I can't organize or present a constructive, coherent thought or give advice to them.

260. As much as I love my family, I've lost the desire to write to them on a regular basis the way I used to before the SAMs. If I want to write my mother a letter in Arabic, the first thing that occurs to me is that a letter written in June will be sent out in September, and I won't receive a reply until December. This thought discourages me from writing. Also, I fear the FBI may take something out of context or mistranslate it and use it against me to keep the SAM on me without allowing me to explain what I wrote.

261. The FBI agents from the Seattle office paid my ex-wife a visit to ask her about a P.O. box number she gave me to use to correspond with my son. They asked her questions like she was a suspect of a crime. These kinds of actions by the FBI intimidate and scare people. Even though my ex-wife assured the FBI that the only person who would receive my letters is my son, the FBI still did not allow me to correspond with my son for several months, until I was able to write to him at my sister's address (my sister lives in the same state as my son).

262. In late 2008, the FBI decided I was not allowed to write to my two half-sisters anymore, even though I was allowed to write to them from 2005-2008. The FBI said I have no

proof to show that they are my half sisters. Both of them had submitted applications to visit me with all the required information – social security numbers, birthdates, U.S. citizenship, driver's license numbers, etc.), but the FBI still prohibited me from communicating with them. My half sisters live in New Jersey.

263. My sentence is 117 years. I do not expect ever to be released from prison. My hope is simply to be allowed, like other prisoners, to earn the privileges that are warranted by my consistent good conduct.

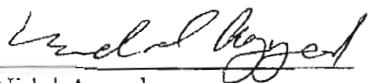
264. I have done – and continue to do – everything I can think of and all the Government has asked to show that I should be given relief from the isolation at the ADX and the SAMs: I follow the rules; I am respectful and polite; I watch the programs they tell me to see. I have tried in every way I can think of to demonstrate that I am not a threat to national security and that I have no wish to associate or communicate with terrorists.

265. Even now, I am not hoping for much. I would like to be able to have a visit with my family that ends in being able to hug my mother and my son goodbye. I would like to be able to be in contact with members of my family – uncles, nieces, half-sisters – who are dear to me and who I miss every day. I would like to have a fair chance to demonstrate to the government that I am not a terrorist, that my communications with my family and friends do not pose a threat to the security of the United States, and that I can be housed safely – as I was prior to 9/11 – in a high security penitentiary.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Florence, Colorado this 4th day of January 2012.

Respectfully submitted,


Nidal Ayyad
Nidal Ayyad
Florence, Colorado

DAILY LOG⁶⁸ (Encounter with staff)AY4AD
Starting MAY-24-2011 to July 20.

DATE	TIME	DURATION	STAFF SPOKEN WITH + SUBJECT
5.24.11	4:57pm	5 sec	Mr. Hansen, Counselor "You need anything, no"
5.25.11	6:51am	30 sec	[REDACTED], Commissary staff, Commissary issue.
5.25.11	8:23am	20 sec	Mr. Hansen, counselor, daily issues "forms"
5.26.11	8:06am	40 sec	Mr. Hansen, counselor, Commissary + T.V. issues
5.26.11	10:15	45 sec	[REDACTED], Linguistic, mail issues
5.26.11	4:10pm	20 sec	Mr. Hansen, counselor, orderly Job issues
5.27.11	8:31am	20 sec	[REDACTED], Linguist, mail issues
5.27.11	6:45pm	20 sec	Mr. Sprout, Unit mang. phase 3 + T.V. issues
5.28.11	3:05pm	10 sec	[REDACTED], Cleaning supplies for orderly job
5.29.11	3:15pm	10 sec	[REDACTED], Cleaning Supplies for orderly
5.31.11	2:14 pm	40 sec	[REDACTED], relatives/friends approval delay.
6.1.11	6:50am	10 sec	[REDACTED] Commissary issue.
6.1.11	9:48am	10 sec	Counselor Hansen asking for writing paper.
6.1.11	9:48am	10 sec	[REDACTED], Case manager, Progress Report issue
6.2.11	10:56	10 sec	[REDACTED], Linguist, phone call arrangements
6.2.11	2:20pm	10 sec	[REDACTED], Linguist, phone call arrangements
6.3.11	5:20pm	10 sec	[REDACTED], Cleaning Supplies for orderly
6.4.11	5:25pm	10 sec	[REDACTED], Cleaning Supplies for orderly
6.5.11	9:01am	20 sec	T.V. Boxes removed
6.5.11	5:28pm	10 sec	[REDACTED], Cleaning Supplies for orderly
6.6.11	5:30pm	10 sec	[REDACTED] " " " "
6.7.11	10:57am	40 sec	Mr. Mulsnie, AW, daily + x-ray Search.
6.8.11	5:31pm	10 sec	[REDACTED], Cleaning supplies for orderly
6.9.11	10:11am	15 sec	[REDACTED], SIS, Mail issue + Rec. Cancellation
6.10.11	5:27pm	10 sec	Unit officer, Cleaning supplies for orderly

Starting May 24, 2011 to July 20, 2011

DATE	TIME	DURATION	STAFF SPOKEN WITH + SUBJECT
6.12.11	5:36pm	10 sec	[REDACTED], cleaning supplies for orderly
6.13.11	8:59am	40 sec	[REDACTED], H-unit issues & T.V.
6.13.11	12:15	20 sec.	Mr. Sproul, Unit Mang. T.V. & Rec issues
6.14.11	10:17am	15 sec.	Mr. Brieschke, Attorney, Grandma approval.
6.14.11	3:35pm	20 sec	[REDACTED], linguist, telephone arrangements
6.15.11	8:55am	10 sec.	Counselor Hansen, T.V. Box removal
6.16.11	3:30pm	2 min.	[REDACTED], linguist, about a 4-page doc. to read my declaration to verify!
6.17.11	8:44pm	10 sec.	[REDACTED] Counselor Hansen, asking for carbon paper
6.18.11	2:29pm	10 sec	[REDACTED], cleaning supplies for orderly
6.19.11	2:41pm	10 sec.	[REDACTED] " " " "
6.20.11	10:25am	20 sec	Mr. Sproul, Unit mang. About my social visit
6.20.11	2:45pm	10 sec	[REDACTED] linguist, mail issues.
6.21.11	2:15pm	10 sec.	[REDACTED] linguist, phone call arrangement
6.22.11	8:26am	10 sec	[REDACTED] + Mr. Hansen, given copy of progress report, SAM modif. for grandma.
6.23.11	8:14am	30 sec	[REDACTED] linguist, comm. approvals issues
6.23.11	5:40pm	10 sec	[REDACTED] cleaning supplies for orderly
6.25.11	1:25pm	10 sec	[REDACTED], " " " "
6.26.11	1:30pm	10 sec	[REDACTED] " " " "
6-27 + 6-28 + 6-29	Social visit with son + mother		
	from 8:45am - 2:45 pm everyday.		
6.30.11	8:25am	7 min	[REDACTED], Chronic medical care over 6 mo.
7.1.11	5:27pm	10 sec	unit officer cleaning supplies
7.2.11	2:59pm	10 sec	unit officer " "

DAILY LOG (Encounter with staff)

A44AD

Starting May 24, 2011 to July 20, 2011

DATE	TIME	DURA-TION	STAFF SPOKEN WITH + SUBJECT
7-3-11	3:48pm	10 sec	Unit officer, cleaning supplies for orderly
7-5-11	5:9:06pm	10 sec.	[REDACTED], linguist, phone call w/ family
7-6-11	5:35pm	10sec.	Unit officer, cleaning supplies for orderly
7-7-11	5:31pm	10sec	Unit officer " " "
7-8-11	12:10pm	1 min	Davis, Warden, phase III future
7-8-11	1:45pm	1min	[REDACTED] linguist, H-unit operation issues
7-9-11	3:10pm	10sec.	Unit officer, cleaning supplies for orderly
7-10-11	2:20pm	10sec.	[REDACTED] " " "
7-11-11	5:47pm	10sec.	H-unit officer " " "
7-12-11	11:45am	25sec.	[REDACTED] linguist, asking about mail
7-12-11	4:45pm	10sec.	Counselor Hansen, Commission list issue
7-13-11	8:15am	10 sec	Mr. Sprout, Unit manag. Commission issue
7-13-11	8:20am	15 sec	[REDACTED] linguist, Unit issue
7-13-11	8:45am	10 sec	Counselor Hansen, cell rotations issue
7-14-11	6:45am	20sec.	Mr. Sprout, H-unit problem
7-14-11	6:50am	10 sec	[REDACTED] about not eating
7-14-11	8:36am	1min	[REDACTED] linguist, phone call & H-unit problem, [REDACTED]
7-15-11	9:00am	2min	[REDACTED] & [REDACTED] psychologist, depression issues
7-15-11	11:02am	10sec.	Sprout, Unit manag. about pending appeal
7-16-11	5:15pm	10sec.	[REDACTED] cleaning supplies
7-18-11	5:50pm	10sec.	[REDACTED] " "
7-19-11	5:33pm	15sec.	Counselor Hansen, H-unit issue
7-20-11	8:49am	10sec.	Counselor Hansen, adm. Remedy forms.

DAILY LOG (Excerpt with ADX Staff)

In (H-Unit)

START: SEPT. 2nd, 2011 -

DATE	TIME	TOTAL TIME	STAFF SPOKEN WITH and SUBJECT.
9/21/11	8:30 am	5 sec.	Mr. Hansen, counselor. "Are you OK?" "Yes, I am!!"
9/31/11	N/A	0	SAT. Talked to no one from staff
9/4/11	N/A	0	SUN. Talked to no one from staff
9/5/11	5:39 pm	10sec.	[REDACTED], asked for mob + Trash bags for orderly.
9/6/11	10:58	10sec.	Mr. Sprout, Unit manager, delay of SAHM's modif. for niece
9/6/11	3:42	10sec.	[REDACTED] linguist, Money order release held.
9/7/11	11:45	10sec.	Mr. Brieske, Attorney, to check on SAHM modif. delay.
9/7/11	11:46	10sec.	[REDACTED] linguist, to check on some mail
9/8/11	9:05 am	30sec.	Mr. Davis, Warden, H-Unit expansion to J-Unit
9/8/11	8:45 am	15sec.	Mr. Hansen, counselor, NY Attorney call to schedule a legal visit.
9/9/11	2:01 pm	20sec.	[REDACTED] Social phone call arrangement + H-Unit matter
9/10/11	2:30 pm	10sec.	H-Unit officer, asked for trash bags for orderly job.
9/11/11	N/A	N/A	Weekend, did not talk to staff, just went to Rec.
9/12/11	5:40 pm	10sec.	H-Unit officer, asked for cleaning supplies for job.
9/13/11	N/A	N/A	Talked to no staff
9/14/11	8:35 am	5sec.	Mr. Hansen "You need anything?", No, I replied
9/15/11	8:01	15sec.	[REDACTED] Why no Rec Today?
9/15/11	8:34	5sec.	Mr. Hansen, same as 9/14/11.
9/16/11	8:52	5sec.	Mr. Hansen, " " " " "
9/16/11	8:53	20sec.	[REDACTED] linguist, H-Unit problems
9/17/11	2:59	5sec.	H-Unit officer, cleaning supplies for orderly
9/18/11	3:15 pm	10sec.	H-Unit officer, asked for buffer
9/19/11	1:25	30sec.	[REDACTED] SIS, issues in H-Unit operation
9/20/11	2:05	16sec.	[REDACTED] Phone call arrangement.
9/21/11	7:45 am	16sec.	[REDACTED] Phone call arrangement.
9/22/11	8:40	10sec.	Mr. Hansen, about a BP-8 I submitted.

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 DAILY LOG (Encounter with ADX Staff
 in H-Unit)

START: SEPT. 2nd, 2011

DATE	TOTAL TIME	TOTAL TIME	STAFF SPOKEN WITH and SUBJECT.
7/21/11	8:30am	5 sec.	Mr. Hansen, counselor "Are you OK?" "Yes I am!"
7/22/11	8:55am	10 sec.	Linguist, "You have social call at 1018?"
7/22/11	8:57am	30sec.	Contract (name) [REDACTED] religious issue, asked question
9/22/11	10:30am	10sec.	Linguist, Social phone call processing.
9/22/11	11:15am	20sec.	Mr. Sproul, Unit manager, delay of SAM modif. for nice.
9/23/11	8:34am	5 sec.	Mr. Hansen, Asked for a BPIG Form
9/23/11	5:34pm	10sec.	H-Unit officer, asked for Cleaning Supplies
9/24/11	N/A	N/A	"did not talk to staff"
9/25/11	2:10pm	10sec.	H-Unit officer, asked for the buffer, to buff the floor
9/26/11	5:14p	5 sec.	[REDACTED] asked for plunger, to clean shower.
9/27/11	8:03	10 sec.	SIS, about Legal Visit today
9/27/11	8:09	10 sec.	Linguist, phone call arrangement.

Starting Sept. 27, 2011

DATE	TIME	DURA-TION	STAFF SPOKEN WITH + SUBJECT
9-26-11	2:50	10 sec	[REDACTED] [REDACTED], [REDACTED], [REDACTED] [REDACTED] arrangement
9-27-11	2:01 PM	10 sec.	[REDACTED] [REDACTED], [REDACTED] arrangement
9-27-11	3:16 PM	5 sec	Mr. Hansen, Counselor, "Are you o.k?" "Yes, I am"
9-28-11	8:50 AM	5 sec.	Mr. Hansen, counselor, "You need anything?" - "No"
9-29-11	2:03 PM	25 sec	[REDACTED] [REDACTED], [REDACTED] phone call + H Unit issue
9-30-11	8:46 AM	10 sec.	Mr. Hansen, counselor, asked about TV.
10-1-11	2:45 PM	5 sec.	[REDACTED] [REDACTED] orderly Job, asked for trash bags
10-2-11	2:20 PM	5 sec.	[REDACTED] [REDACTED] asked for buffer - orderly Job -
10-3-11	10:30 AM	10 sec.	Mr. Sprowl, Unit mang. SAM Modification, [REDACTED]
10-4-11	12:10 PM	10 sec.	Mr. Davis, [REDACTED], about modification of SAMs.
10-4-11	5:15 PM	5 sec	Mr. Hansen, counselor, "P. U. O.K" - "I'm o.k"
10-5-11	8:18 AM	5 sec	Mr. Hansen, handled me the "input" for SAM renewals
10-6-11	8:44 AM	10 sec	Mr. Hansen, asked if o.k. to turn "input" next wed.
10-7-11	8:31 AM	10 sec.	Mr. Hansen, counselor, gave me institution mail
10-8-11	2:23 PM	5 sec	[REDACTED] [REDACTED] asked for trash bags for orderly
10-9-11	2:28 PM	10 sec.	[REDACTED] [REDACTED] asked for buffer machine.
10-10-11	NA	NA	Holiday - NOTHING today

DAILY LOG (Encounter with Staff)
Dr. AYYAD

Starting Sept. 27, 2011

DATE	TIME	DURA-TION	STAFF SPOKEN WITH + SUBJECT
10/12/11	8:30am	15 sec.	Hansen, counselor, handed my 'input' sheet
10/13/11	8:03am	10 sec.	Imam [REDACTED], asked for possible new tapes!
10/14/11	11:30	20 sec.	[REDACTED] phone call arrangements w/1son
10/15/11	5:25pm	5 sec.	H-unit officer, trash bags for orderly jobs
10/16/11	5:10pm	5 sec.	H-unit officer, cleaning supplies for jobs
10/17/11	11:02pm	20 sec.	[REDACTED] (Physician Ass't) SICKCALL
10/18/11	11:03pm	10 sec.	Mr. Sprout, unit manager, about moving to J-unit
10/18/11	4:53pm	10 sec.	Mr. Hansen (counselor, asked for BP-8
10/19/11	11:05pm	10 sec.	[REDACTED] arrange for phone call w/1son
10/19/11	2:08pm	10 sec.	Mr. Hansen, counselor (BP-8) about glasses
10/19/11	5:45pm	5 sec.	H-unit officer, asked for supplies
10/20/11	10:35pm	10 sec.	[REDACTED] Lingust, started phone call
10/21/11	5:25pm	5 sec.	H-unit officer, trash bags for orderly
10/21/11	5:46pm	5 sec.	H-unit officer, supplies for orderly jobs
10/23/11	2:10pm	5 sec.	H-unit officer, asked for buffer
10/24/11	5:32pm	5 sec.	H-unit officer, cleaning supplies
10/25/11	2:08pm	10 sec.	[REDACTED] Lingust, phone call arrangement
10/25/11	5:25pm	5 sec.	H-unit officer, cleaning supplies
10/26/11	5:10pm	5 sec.	H-unit officer, cleaning supplies
10/27/11	11:05am	10 sec.	[REDACTED] H-unit matters
10/27/11	5:18pm	5 sec.	H-unit officer, cleaning supplies
10/28/11	5:22pm	5 sec.	H-unit officer, cleaning supplies
10/29/11	N/A	N/A	
10/30	2:15pm	10 sec.	[REDACTED] officer, asked for buffer
10/31	12:06	10 sec.	Mr. Davis, Warden, Moving to J-unit? When?